

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARCO GONZALEZ, ON BEHALF OF
HIMSELF AND OTHER SIMILARLY
SITUATED.; AND ANDREW REYES,

Plaintiffs,

VS.

J&J PRESSURE MANAGEMENT USA,
LTD,

Defendant.

5:23-CV-01138-FB-RBF

PHASE I SCHEDULING ORDER

The above-styled and numbered cause of action was referred to the undersigned on December 11, 2023, for all pretrial proceedings, pursuant to 28 U.S.C. § 636(b) and Rules CV-72 and Appendix C to the Local Rules for the United States District Court for the Western District of Texas. *See* Dkt. No. 12. This scheduling order controls the first phase of discovery in this case, a putative FLSA collective action, in light of the Fifth Circuit’s decision in *Swales v. KLLM Transport Services, L.L.C.*, 895 F.3d 430, 441 (5th Cir. 2021). Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the following Scheduling Order is issued to control the first phase of discovery in this case:

1. Phase I discovery, limited to the appropriateness of notice issuing in this matter, will last 60 days from the date of this Order. This deadline may be extended by motion filed with the Court after a conference between the parties.
2. Plaintiffs' Motion for Notice shall be filed within 90 days from the date of this Order. Defendant's Response shall be due 14 days after the filing of Plaintiffs'

Motion, and Plaintiffs' Reply, if any, shall be due 7 days after the filing of Defendant's Response.

3. The parties shall submit additional joint proposed scheduling recommendations, including deadlines for all items in the Court's form scheduling order, no later than 15 days after (1) the close of the class notice period, if any, or (2) the date the Court denies Plaintiffs' Motion for Notice.
4. If at any time during the pendency of this lawsuit, any party would like to consent to the trial of the case by a United States Magistrate Judge, the party should indicate consent on the attached form or request a form through the Clerk's Office. If *all parties* consent to trial of this case by a United States Magistrate Judge, the District Court may enter an order reassigning the case to a United States Magistrate Judge for trial and entry of judgment. The parties are specifically advised that they are free to consent or to withhold consent without adverse consequences.

IT IS SO ORDERED.

SIGNED this 7th day of February, 2024.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

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CONSENT TO PROCEED TO TRIAL BEFORE
A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above-captioned civil matter hereby waive their rights to proceed before a judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Party

By: _____
Attorney

Party

By: _____
Attorney

Party

By: _____
Attorney

APPROVED this the _____ day of _____, 20__.

FRED BIERY
UNITED STATES DISTRICT JUDGE